

# Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



*"The voice and conscience of the Santa Monica Mountains since 1968"*

## September 2010 MEETING ([www.lvhf.org](http://www.lvhf.org))

**Thursday, 16 September 2010, 7:00 p.m.**

**The Place – Diamond X** – Take Las Virgenes to Mulholland; turn left on Mulholland. For the next 3/4 mile, the King Gillette Ranch will be on your right. After you've passed Stokes Canyon Road, in about 3/4 mile, you will see a sign on your right with "Diamond X" and the National Park Service logo on it. A short distance past the sign a narrow road goes south at a right angle. This is Wickland Road, and, at this point you are entering the King Gillette Ranch. Follow Wickland about 300 yards until the road forks; take the left-hand fork; keep bearing left to the lighted house on the right. Park; enter through the lit doorway.

Call to Order  
Roll Call  
Agenda Changes/ Approval  
Delegates Reports

Correspondence/Announcements  
Officer's Reports  
Approval of Meeting Minutes

### Old Business/ Reports

1. Nominating Committee Report - Jess Thomas
2. Federation Oak Tree Committee Report & Update on HOO Meeting – Roger Pugliese - Chair
3. Tapia Update - Deborah Low - LVMWD/Mary Hubbard - Chair Coastal

### New Business

1. **GUESTS - Katie Ziemann** (Affiliate Mgr. CA Fire Safe Councils) & **J. Lopez-** (Deputy Forester, LA County FD Fire Plan Unit & Vice Chair.) Empower, educate & motivate residents to make communities safer from wildfire. Also-funds & Fire Safe Councils. Creative ideas. **Santa Monica Mountains CWPP Update & Discussion. A Road Map to Fire Safety.**
2. **Calabasas OWTS Update/Action – Guests: Cold Creek- Smiths & Old Topanga Residents. Discussion NOV Response Letters/RWQCB .**
3. **Prop 21- Westhills HOA**
4. **Santa Monica Mountains Conservancy Land Supervision – Cold Creek CC**
5. **Rim of the Valley Update/Discussion**
6. **Malibu Valley Farms – Possible Action**
7. **Annexation – Cold Creek CC**

## FEDERATION WELCOMES CPO

The Cornell Preservation Organization (CPO) is joining the Federation for the first time in its nearly two-decade history of activism in the Santa Monica Mountains.

CPO was founded in response to a proposed movie-theater complex at Kanan and Agoura Road, a project that was ultimately defeated. Its members worked for a decade on the Triangle Ranch issue. “We try to look at a potential development coming into the Santa Monica Mountains with an unbiased eye,” says CPO President Colleen Holmes. “We want to make sure it’s a responsible project because this is a very unique environment.”

CPO is supported by a network of homeowners in the Old Cornell area as well as some near Paramount Ranch and Seminole Springs and ranging as far as Malibu Lake and Monte Nido. Its core group is about 300 people, but the mailing list runs upwards of 800.

Membership in the Federation is a logical fit for an organization that focuses on land use and the environment, according to Holmes. “The Federation is a good platform to present ideas and hear what’s going on,” she says. “There needs to be a forum where we can all help each other.”

## FEDERATION LAUDS OPEN-SPACE PURCHASE

The Mountains Restoration Trust has saved 78 acres of prime open space in Cold Creek. Known as the Cold Creek High Trail property, it hugs Stunt Road on its eastern border and Cold Canyon Road on its western border. The Trust has sought to protect this steep parcel of land since 1992; it will be added to the 1,500+-acre Cold Creek Preserve, which includes 13 waterfalls and shelters numerous species unique to the Santa Monica Mountains.

This new addition to the Preserve is a critical segment of an east-west wildlife corridor linking Topanga State Park with Malibu Creek State Park and will help support wildlife migration during floods or fires. The acquisition also further protects the Cold Creek and Malibu Creek watersheds, which feed Malibu Lagoon. It connects with state and national parkland and includes a 1.6-mile section of the 17-mile Calabasas/Cold Creek Trail. Two tributaries to Cold Creek run through the property, creating a riparian forest and making for a superb wildlife habitat.

The Trust negotiated a favorable deal of \$2.5 million for what would otherwise have been 12 build-able lots appraised at \$4.25 million. Los Angeles County—specifically Supervisor Zev Yaroslavsky’s office—made the largest contribution toward the acquisition. Other money came from the Army Corps of Engineers In-Lieu Fee Program; Ty Sisson, owner of the property; and a 2009 Trust fundraiser that featured Jared Diamond, author of the Pulitzer Prize-winning *Guns, Germs and Steel: The Fate of Human Societies*. The California Coastal Conservancy kicked in the funding that finalized the purchase.

## WHO KNEW? CITY DEBUNKS OWN PROPAGANDA

Calabasas Mayor Barry Groveman continues to be the driving force behind the City's draconian OWTS ordinance. But it's difficult to decipher whether the allegations he and City staff make against the City's 142 septic systems—including the implication that the 40 systems in Old Topanga Canyon can't possibly be made to function—are fact, fiction or propaganda. If it's the latter, to what end will the propaganda be employed? Are exaggerations and untruths about water quality being manipulated to trick taxpayers into financing unnecessary sewers into Old Topanga, thus paving the way to profitability for developers? Is an OWTS raid on a family of old-timers who happen to own 60 acres next to a developer's land actually about forcing the hapless owners into a sale? Whose agenda are the citizens of Calabasas buying into anyway?

In a recurring theme, the mayor manipulates the threat of big fines from the Regional Water Quality Control Board (RWQCB) because of malfunctioning septic systems. He repeated this threat again last week to a reporter from the *Acorn*, who quoted him as saying, *"But if water quality standards aren't met, the Los Angeles Regional Water Quality Control Board could fine the city up to \$25,000 per day.... We have a responsibility to all the citizens of Calabasas to make sure we're not fined and residents are not going to be paying for violations we have not stopped."*

The Federation decided to take a closer look at the validity and context of the mayor's statements. Are his "facts" being manipulated to build a case that doesn't exist?

What we found was interesting. We unearthed a "response letter" from the City to the RWQCB that few, if any, members of the public even knew existed. The City's letter makes the case that residents' septic systems have virtually no impact on water quality—and none at all on Malibu Creek, Malibu Lagoon or Santa Monica Bay.

But first some background: Mr. Groveman's campaign against septic systems appears to be a re-casting of a Notice of Violation (NOV) that Calabasas received from the RWQCB on March 4<sup>th</sup>, 2008. The NOV was issued not to Calabasas alone but to **20** other cities, the County and its flood control district as permittees who *collectively* discharge urban runoff and storm water to Santa Monica Bay and who may have contributed *jointly* to bacteria levels at four monitoring sites along Santa Monica beaches. Furthermore, the court's recent ruling took away the ability of the RWQCB to pursue the NOVs, and no penalties were issued. These NOVs are no longer enforceable.

To understand the complexities of the RWQCB process, it helps to know that the RWQCB did not single out Calabasas for potentially polluting water at the beach, as the City has implied. Recipients of the NOV included Hidden Hills, Agoura Hills, Westlake Village, Malibu, El Segundo, Hermosa Beach, Inglewood, City of Los Angeles, County of Los Angeles, Los Angeles County Flood Control District, Manhattan Beach, Palos Verdes Estates, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Santa Monica, Torrance, Beverly Hills, Culver City and West Hollywood. Water pollution is generated at a multitude of sources. Many of

the NOV recipients are much larger than Calabasas and closer to the ocean; some have thousands and thousands of septic.

What's more, the RWQCB acknowledges that determining an individual city's alleged responsibility for violation is impossible because all the permittees and cities have a combined urban run-off/storm water discharge at the four Santa Monica beach monitoring locations. According to an official at the RWQCB, consideration also needs to be given for contamination that occurs at the actual monitoring sites.

(Click on this link and you will find the NOV's and follow-up orders for all 20 cities plus L.A. County

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/enforcement/nov/index.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/enforcement/nov/index.shtml) )

According to the NOV, Calabasas was included in the notice of violation because it "has some land area within the watershed draining to these beach sites." What parts of land in the city of Calabasas fall into that watershed category? According to the RWQCB's clarification letter, *"the [2008 NOV] actions relate solely to the discharges that flow to the Santa Monica Bay. It does not relate nor affect any discharges to/from Dry Canyon Creek that flow to the Los Angeles River."*

That statement from the RWQCB definitively removes Old Topanga (the focus of the mayor's continued attacks against septic owners and his justification to bring in sewers) and several other areas in the city from the equation entirely, as they drain into the Los Angeles River. They have nothing to do with the NOV and never did.

The RWQCB itself confirms that running sewers into Old Topanga is unnecessary, saying in its clarification letter, *"the Regional Board is not prescribing that the city construct sanitary sewers due to the NOV. Generally speaking, that action will not have any mitigation effect on the NOV for Santa Monica Bay."* Mayor Groveman's continued claims that the City is vulnerable to "fines" in this regard as they relate to the NOV are therefore spurious.

The final words on the subject should be the City's own, found in its May, 2008, letter of response to the NOV. (All cities and the County issued response letters.) Calabasas hired special counsel with expertise in real estate, land use and environmental compliance to write this response. In its letter, the City "denies the allegations in the NOV.... challenges the Order on a number of grounds...believes the Order was not authorized and is invalid because it improperly employs Water Code 13383... that it fails to provide sufficient evidence to support the requests made...further requires the city to spend a great deal of time and money to obtain a level of detailed information which in so far as the city's alleged discharges are concerned, would be a burden that far outweighs any benefit that would be gained by the Regional Board."

In its response, the City referred specifically to the Old Topanga Canyon neighborhood: "As the Regional Board knows, an insignificant portion (substantially less than one per cent) of the total land within the far southeast corner of the incorporated area of the City is actually tributary to an equally insignificant percentage of the total tributary

drainage on the fringe of the northwestern portion of the Topanga Canyon. In addition, this very minor area is all undeveloped hillside with no developed property or drainage from any City MS4 system tributary to Topanga Canyon. Therefore, there is no basis to suggest, there is any controllable source of bacteria in urban runoff from with the City tributary to Topanga Canyon or Topanga Creek.

Referring to Malibu Creek, the letter said: "As the Regional Board knows, with the exception of the extremely minor area, the remainder of the City drains to Las Virgenes Creek or its tributaries upstream of the confluence with Malibu Creek. Indeed not only does the City occupy slightly less than about 5% of the total drainage area of Malibu Creek, the City's southern boundary is approximately 11 creek miles upstream of the mouth of Malibu Creek and below Malibu Lagoon at the shoreline. Therefore, none of the storm drain discharge points from the City are in any proximity to the surf, and the most southerly point of discharge from the City's MS4 system is approximately 15 miles upstream of the mouth of the Creek. Thus, it is evident that there is a very low potential for runoff from within the City to directly impact bacteria conditions at any of the three referenced beach monitoring locations which exist in the general vicinity of the outwash from Malibu Creek.

"...through Malibu Creek's 15-mile path from the City's most southerly MS4 discharge point, there are innumerable opportunities for downstream water sources of bacteria, including but not limited to wildlife, human use of Malibu Creek, OWTS, to enter Malibu Creek. These other sources upstream of the Malibu Lagoon, are beyond the borders and control of the City. Moreover, and aside from these additional sources, there is the potential for bacteria re-growth within the stream system, in addition to the potential sources in the developed areas in the vicinity of the Malibu Lagoon and the Malibu beach itself.

"Substantial and reliable evidence further shows the disconnect between the City's discharge and any of the alleged violations...evidence includes monitoring data from locations further down gradient in Malibu Creek but upgradient from the Malibu Lagoon and the developed coastline. This evidence has shown few to no exceedances of e. coli or fecal bacteria levels which strongly suggests minimal to a complete absence of any linkage between bacteria from upstream portions of the watershed to exceedances in Malibu Lagoon or at the wave wash at or near the subject monitoring points.

While asserting its discharge was not in any way connected or contributing to shoreline pollution, the city said it had invested in a \$600,000 bio-filtration and remediation device over a storm drain to capture runoff from the Calabasas landfill and from several residential/commercial neighborhoods and another storm drain unit for capturing trash and sediment on Agoura Road. Other activities it initiated to reduce dry weather flow included: the Bark Park; educating public to pick up after their pets; installation of dog-waste pick-up bags and trash cans throughout the city; and annual creek clean-ups.

The City stated to the RWQCB that “no substantive evidence exists, nor has any been provided by the RWQCB, that the City is responsible for one or more violations.”

Based on “nonexistent substantive evidence,” then, the City has taken tremendous leaps without warrant in order to manipulate and exploit its citizens in regard to septic enforcement and compliance. Clearly, there must be motive at hand that is much more than water quality, with its complex and jointly shared responsibilities.

The Federation has said it repeatedly: We are clean-water advocates, and we strongly support septic inspection, repair, replacement and monitoring. We always support environmental best practices. But trying to blame or link 142 septic systems to these pollutants is a travesty because it takes us completely off track from where we need to be and what needs to be done, which is to find the *real* sources of bacteria at the beach so we can eradicate them. We agree that all of the 1.2 million septic systems statewide should be inspected and repaired when necessary, even though the legislative mechanism for doing that (AB 885) was rejected by the public and local governments. We hope for and anticipate the return of AB 885. That said, no one should be subjected to Calabasas’ punitive OWTS ordinance, which is being used as an opportunity and a tool to get onto private property and search for unrelated code violations.

Not all Calabasas Council members have supported the punitive and prejudicial OWTS ordinance, nor do they all support development in the city’s rural areas. From the beginning, Councilmember James Bozajian has been stalwart in his stand against running sewers into Old Topanga, and he has a longstanding record of supporting environmental policies and responding to his constituents. Councilmember Mary Sue Maurer likewise has expressed frustration with the OWTS ordinance and its “bullying” impact on her constituents. Like Mr. Bozajian, she has not been a proponent of sewerage up Old Topanga.

So, why then, with combined urban runoff from 20 cities, the county and a portion of Calabasas, are the City’s paltry 142 septic systems getting blamed for pollution at four beach sites? They aren’t. Most of the 142 septic systems aren’t even in that watershed, and they were not accused of being the culprits in the RWQCB’s NOV. The City’s campaign against septic systems is all about playing on peoples’ fears, and exploiting those fears—a questionable solution in search of a problem. Meanwhile, the City’s letter of response makes the case that the City is not the source of pollution. You can read the letter at [www.lvhf.org](http://www.lvhf.org)

One last thing: Have you heard of any other city singling out and selectively persecuting a group of its own citizens as a result of the RWQCB Notice of Violation? We haven’t.



## **WATER DISTRICT RECONNECTING “THE SMITTY LINE” TODAY!**

After personally observing the Smith property at 3180 Stokes Canyon Road, the Las Virgenes Municipal Water District is restoring their water service today. Despite the family having been longtime customers in good standing, water and power had been disconnected by order of the City of Calabasas, which raided the property on July 8<sup>th</sup>.

Even the fire hydrant had been capped off, as demanded by the City’s community development director. Because of the seasonal high fire danger, the District unlocked the hydrant on August 25<sup>th</sup>. (It had also ensured the Fire Department had access to the hydrant, in case it was needed.)



The District says the Smiths may now use water on their R-Own-Ranch for landscaping, animals, clean up, dust control and construction/demolition. Full water service for indoor use requires a certificate of occupancy from the City of Calabasas.

"We are so very grateful to the water district for checking the facts and turning the water back on. Now we have water for our animals and garden and for cleaning the ranch," says owner Cindy Smith.

At the Water District board meeting on August 24, the directors seemed dismayed that staff had cut off water to the Smith family without investigating whether their property was up to code. "Our contract is with our customers, not with the City of Calabasas," said Director Glen Peterson.

Told that District staff had relied on photographs provided by the City of Calabasas, Director Joseph Bowman asked General Manager John Mundy, "Did we do our own

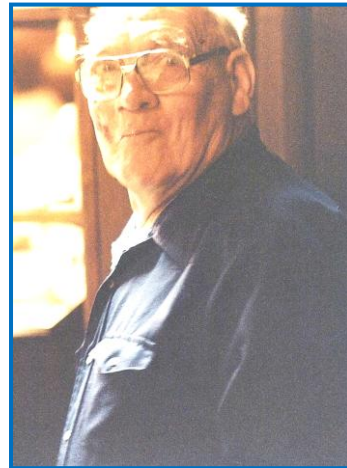
inspection?” When Mr. Mundy answered no, Director Bowman said, “This I will not abide.” He and the other directors then told staff to inspect the Smith’s property.

According to David Lippman, the District’s director of facilities and operations and one of its longest-tenured employees, “The Smitty line was installed as a part of the first series of pipelines and transmission mains to serve properties that were a part of the original formation of the water district. This included the R-Own-Ranch, so we can conclude that the ranch was one of the early properties included in the district.”



*The late, Edgar Smith, patriarch of R-Own-Ranch*

*(Excerpted from Earth Home Garden ©  
1980/2010 jim otterstrom)*



*“Smitty,” the sole rural letter carrier for Calabasas, delivered the mail to every residence for several decades.*

## **COULD A SAN BRUNO PIPELINE FIRE HAPPEN HERE?**

Yes, it could. Few Las Virgenes residents realize we have not one but three pairs of major regional oil and gas transmission pipelines that pass through and just to the north of our area on their way from the oil and gas fields of Santa Barbara and Ventura counties to refineries down south. They follow relatively straight lines, angling a little bit south of east about two miles apart. In one place where they have been exposed by erosion, they appear comparable in size to the one that blew up in San Bruno.

These pipelines were laid many decades ago and are now overgrown with natural vegetation so they are detectable only by small metal signs hundreds of yards apart marking their route.

The most southerly pair of pipelines passes through Oak Park and the northern edge of Old Agoura before entering Cheeseboro Canyon Park, where pipeline apparatus can be seen beside the trail over half a mile from the parking lot a couple of hundred yards south of the first trail crossing of Cheeseboro Creek.



From there, the paired lines head in an arrow-straight east-southeast alignment without regard to topography along the wooded north-facing slope of a side canyon. Both the California Division of Mines and Geology and developer Jerry Oren—who planned to fill Cheeseboro Canyon with condos, a shopping center and an industrial park back in the early '80s—identified this north-facing slope as largely composed of ancient landslides!

But weren't the oil companies and the Southern California Gas Company required to prepare an EIR and mitigate such hazards as part of their environmental documentation for this pipeline?

What environmental documentation? This pipeline, like the Calabasas Landfill, was built before the California Environmental Quality Act was passed in 1970, so as far as we know, there was no CEQA-type document analyzing the proposed routes of these lines before they were put into the ground.

This set of lines continue up and over the ridge into Las Virgenes Canyon, where they traverse a 6,000-foot-long, 400-foot-high, 100-foot-deep ancient landslide that hadn't yet been identified when the oil and gas transmission lines were laid high up on its north-facing slope just west of Firehouse Hill. (This landslide is probably why the developer of Mont Calabasas left that slope undeveloped and gave it to the National Park Service, except for the pre-existing easements for the transmission lines.

Up to this point the route of the transmission lines is mostly through undeveloped Park Service lands in Palo Comado and Cheeseboro Canyons, but that good fortune runs out when the poorly marked pair of lines leave National Park land and drop down to Las Virgenes Road next to the old Calabasas City Hall site, for the first time entering a heavily developed area. The pipelines had long been buried under what would later become Mureau Road when Ahmanson Commercial got approval from Mike Antonovich and his colleagues on the County Board of Supervisors for the business park that occupies both sides of Mureau Road east of Las Virgenes today. The proximity of oil and gas pipelines buried near Mureau in front of office buildings housing hundreds of workers didn't seem to be a consideration in the supervisors' decision in the early 1980s to approve the 300,000-plus-square-foot office complex.

There is a small yellow-and-black sign stuck in the hedge in front of 26010 Mureau, the most easterly building on the south side of Mureau. It says, "Petroleum Pipeline" and gives a phone number, "1-866-351-7473". Looking north from there, just behind the commercial buildings on the north side of Mureau, one can see the homes on lower Parkmor Road in Malibu Canyon.

We knew there was also a natural gas transmission line somewhere near this oil pipe line, but there is no sign mentioning it along Mureau. Searching for it, we walked down the asphalt driveway on the east side of the 26010 Mureau building. There was natural gas warning sign in sight from either the building or the road. We came to the end of the driveway and could hear the freeway humming above us, but there was no sign there, either. Finally, we turned left onto a short stub of a dirt road, partly obscured by native shrubbery, that went off to the east of the 26010 driveway for about 5 feet and ended in a cyclone fence-type gate, which was locked.

Posted on the partially obscured locked gate, where it could not be seen from Mureau Road and where a driver using the 26010 Mureau driveway would have to crane his neck to see it, there it was. Less than a couple of hundred yards from the homes of Malibu Canyon residents, but not visible to them, and much less than 100 feet from the workplaces at 26010 Mureau, was an ordinary white sign with blue letters that said,

“HIGH PRESSURE GAS PIPELINE. Call collect. Southern California Gas Company. 1-805-967-4612.”

So, why was a sign warning us of the potential of a San Bruno-type disaster right here in Las Virgenes placed in a location so obscure that it is virtually invisible?

The twin pipelines continue east along the north side of the freeway south of Mureau Road and Mountain View Estates, marked only by an occasional small metal sign that could easily be missed by a careless grading contractor. The transmission lines are much more difficult to trace east of that point, but one might suppose they continue through Calabasas and into the San Fernando Valley, marked by the same types of obscure signs.

A second set of paired oil and gas high pressure transmission lines can be seen along the main trail into Ahmanson Ranch 0.98 miles north of the park entrance off Las Virgenes. There is a building on the left here that emits a steady noise, and there are large pipelines crossing the wooded creek bed that compare in size to the San Bruno line, but fortunately there are no houses in this area, just a lot of beautiful oak trees. A mile or so further up the trail signs indicate the presence of a third buried pair of oil and gas transmission lines.

What risks do these paired oil and gas pipelines pose to the Las Virgenes community? The most obvious is that a contractor, not seeing the widely-spaced signs, will dig into one of the high pressure lines. That apparently happened in Oak Park many years ago. There was a major racket from the escaping gas, but fortunately, it didn't ignite.

How long would it take to shut off the high pressure gas line if this should happen again? *The Times* reported it took “at least an hour” to shut off the high pressure gas line in San Bruno. The San Bruno fire Chief reportedly said it took “60 to 90 minutes.” Here, with high pressure gas and oil transmission lines paired together, what would happen if an exploding gas line set fire to the oil line as well? (The San Bruno fire was an 8-alarm fire from a gas main alone.)

What about the fact that these high pressure paired lines traverse ancient landslides that could begin to move in an earthquake or a heavy rainfall year, possibly rupturing one or both?

Since these lines were probably laid at least half a century ago, could they wear out from corrosion? This has already happened to a few oil pipelines in the Valley.

When the lines were put in the ground, hardly anybody was living along their route except rabbits and coyotes. Things have changed since then. With the pipelines out of sight and little public consciousness of their presence, do state and local officials grasp the threat they may now pose to residents and businesses along their route?

# SMITH FAMILY HOMELESS AS CITY WAGES PROPAGANDA WAR

These photos were taken in late August and early September and reflect the continued unacknowledged abatement done by the Smith family on their property since the surprise raid in July by Calabasas on their 60-acre R-Own-Ranch in Stokes Canyon. The raid was orchestrated by the community development director under the guise of an OWTS inspection warrant.

Despite the Smith's best and continuing efforts, according to an observer, "The City appears more interested in looking for new problems rather than working with the family and revealing the improvements they have done." After more than six decades of ownership, family members remain homeless and cannot return to their land.

*Smith Family's R-Own-Ranch. 60 strategically located acres in Cold Creek.*



*Abatement*





We've seen it time and again at the OWTS update presentations at City Council: the City's use of photos (whether they are real or accurate doesn't seem to matter) to sensationalize and manipulate information to sway public opinion or to justify their actions or motives. The photos the City is now shamelessly manipulating on its website are no exception.

When asked what she thought of the City putting up pictures of her private property on its home page, Smith family member Karen Miller stated that the "information in the documents and pictures is inaccurate and prejudicial." Cindy Smith said "the action is disturbing and an invasion of our privacy."



*Karen Miller (r) and Al Giddens, an electrical contractor and solar energy expert who volunteered his services and gave electrical advice to the Smiths.*

The Smith family's R-Own-Ranch consists of three contiguous parcels of 35, 20 and 5 acres zoned hillside/mountainous, for a total of 60 acres. What the casual observer may not know given the City's propaganda is that the only parcel with structures and so-called code violations is the 5-acre parcel, not the entire 60 acres. (Although the City has yet to release the 35-acre parcel from its complaint, the family anticipates it will as there is currently no reason not to do so.) The other 55 acres remain natural and undeveloped.

Further, despite the raid having transpired over two months ago and despite the claims of pollution, the City has, of yet, produced no test results or charges.

What's happening in Calabasas is becoming increasingly frightening. Will every house in the City eventually be subject to this type of action? Will officials be knocking at gates wanting to come in and videotape and photograph the inside and outside of every home? And what pretense will the city use next time?

No one, and certainly not the Smiths, is saying that the ranch didn't need to be cleaned up or that elements aren't out of compliance. But what do you expect from structures built decades ago in a different era under different codes?

The time, energy and taxpayer money spent on persecuting, humiliating and evicting the Smiths could have instead been put into helping them become compliant. The outpouring of community support and fond memories of this historic family at the last Federation meeting demonstrates just how disconnected the Calabasas community development director is from the community she is entrusted to serve. As the Smiths have repeatedly asked, "Why didn't someone from the City just come and discuss the problems with us and tell us what we need to do?"

## AND NOW FROM OLD TOPANGA.....

### CALABLACKLIST

Two years ago, when Calabasas announced its intent to draft an OWTS inspection ordinance for the City's 142 off-site waste treatment systems (OWTS), septic owners were leery. Never disputed was the fact that some systems were old and that everyone should be diligent in maintenance and repair.

"When I first met with Public Works Director Robert Yalda to express concern over what many residents felt would be an overly punitive ordinance, I was assured it was merely intended to create a database of existing septic systems and for residents to prove they had utilized good maintenance practices," says Jody Thomas, president of the Old Topanga Canyon HOA. "But that was then.

"As feared," she continues, "the ordinance has developed fangs and claws, and in the most drastic cases, may force owners from their homes and toward financial ruin. Residents are frightened to death, many have been ridiculed and exposed, some have been threatened with so many punitive actions for non-septic code violations that their lives are turned upside down. Despite best efforts of Old Topanga homeowners to work with the City in the drafting of the ordinance, it became evident that something much more rank than sewage was at play. If you own a septic system, you are on the Calablacklist."

The expansion of sewers at taxpayer expense into the rural neighborhood of Old Topanga will change the face of that community forever, and that is not what residents want. Vulnerable and with a small political voice, the 40 homeowners have fought an uphill battle that many call "a fight for survival."

"When Old Topanga was first annexed by Calabasas, our concern was that this new City would strive to develop our serene, peaceful canyon," Ms. Thomas says. "At that time the city acknowledged and valued the rural communities as gems in their crown, and the General Plan and elected officials vowed to protect these jewels. But again, that was then. The General Plan has been rewritten, and it seems, so has the promise to protect the scenic corridor and the City's distinct neighborhoods. Certain politicians looking to elevate their political status have descended on our affluent City aware of the potential to reap the support of the *really* big money—the developers."

With undeveloped land increasingly sparse in Calabasas, certain elected officials and staff are seeking to open the city's oldest rural neighborhoods to builders. Long-time residents with significant acreage are particularly susceptible to these forces.

# OLD TOPANGA CASUALTIES

## OWTS Inspection Used To Gain Access & Search For Code Violations

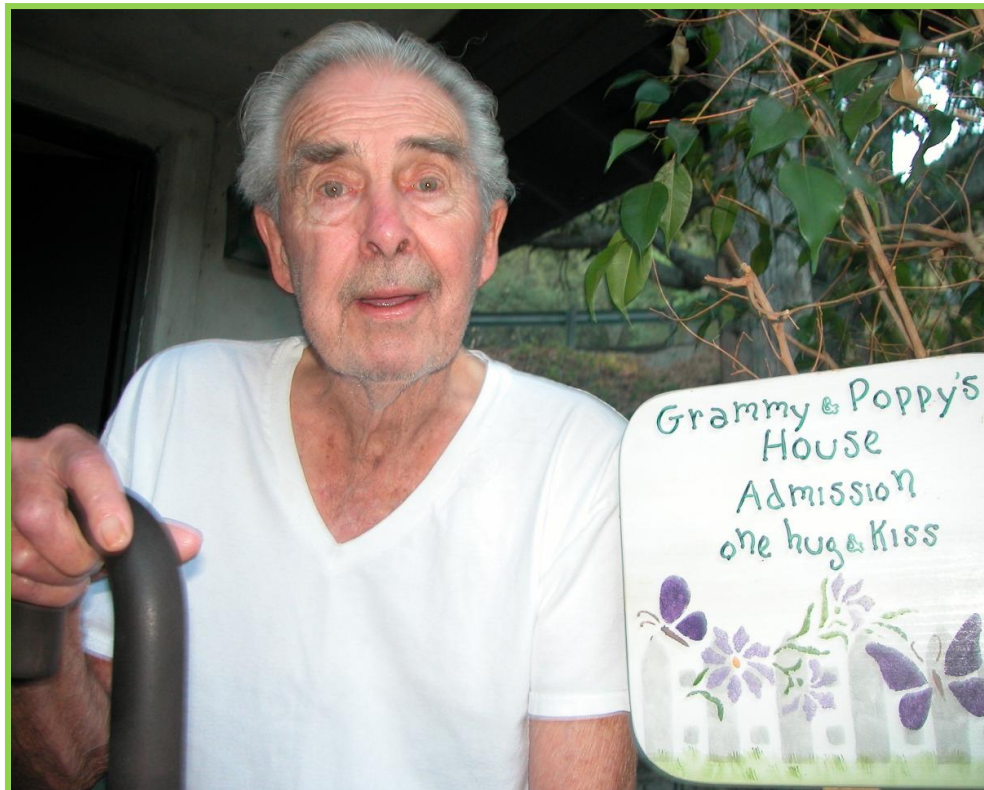
Chet Allen is an 82-year-old Calabasas resident who has lived on his 8-acre property at the end of a road in Old Topanga for more than 34 years. His land is contiguous to that of a developer, one who owns 100-plus acres and whose project was represented at the city last year by expediter Don Schmitz.

While working with his tractor several months ago, Mr. Allen ran over and broke a pipe that led to his septic leach field. He was repairing it when he was unexpectedly approached by a City building inspector offering help. A good-natured man, Mr. Allen naively allowed the Inspector to enter his property. Within days, he was served with a 12-page Notice of Violation (NOV) ordering his leach field to be capped and his septic tank pumped on a daily basis until further notice.

Following are excerpted orders from the first NOV Mr. Allen received:

- Engage a state licensed service provider at your expense (that is approved by the City) to pump all septic systems on the premises on a daily basis (seven days a week). The contractor must fax his/her pumping report to Attention: Sparky Cohen, building official each succeeding day by 11:00 a.m.
- Agree to allow a city official to undergo a city inspection of the interior and exterior areas of all structures and yards – the city will take photos, and measurements, and the inspection may also be videotaped.

In addition, a copy of the notice of violations was sent to Mr. Allen's banks (registered lien holders) and was to be posted on his doors.



*82 year old Chet Allen at his home in Old Topanga*



Caught completely off guard, Mr. Allen did everything in his power to comply with the City's request. The costs of continually pumping his tank have been exorbitant. Despite the fact that Mr. Allen's system has been repaired and subsequently approved by the City-approved inspector, Calabasas Building and Safety refuses to allow him to hook back up to his septic system.

As the costs continue to mount for this elderly man on a limited income, the City has now served him with yet another Notice of Violation, claiming the home he has lived in for well over three decades does not meet *current* Building Standards and constitutes a "public nuisance."

Apparently there is no "grandfathering" for this grandfather.....

## ANOTHER VICTIM

Another senior resident of the Old Topanga community, Robert Hahn, is facing a similar but even possibly more drastic fate than what has befallen Old Topanga's Chet Allen.

Despite having unearthed building permits dating back to the '40s and '50s, the City last week served Mr. Hahn with a voluminous Notice of Violation offering him one of



*Topanga resident Bob Hahn facing extreme hardship.*

three remedies, reduce the house to the original cabin size of 500 plus square feet, or make one single-family residence (if feasible) by dismantling rented rooms, or demolish the structure. He must comply or remove all his personal belongings and vacate his home of more than 30 years by October 11<sup>th</sup>.

Once again, a litany of code violations has been leveled against an older resident with limited means to stand up to the City of Calabasas's Goliath and its seemingly endless funds for fighting its own taxpayers.

More to come on this.....

## WHAT ARE THE “RIGHTS OF NATURE”?

Under our Constitution and such laws as the Clean Air Act, the Clean Water Act, and even our city and county oak tree ordinances, natural ecosystems are viewed as a form of property, with governments having the authority under the commerce clause of the Constitution to award permits to various entities to “take” or exploit the resources of this natural “property.”

A different legal view of the “rights of nature” and natural systems seems to be slowly emerging, somewhat like a baby bird first beginning to peck open its egg. This is the view that animals and the environments they depend on have a fundamental right to exist and that residents of the community have the legal authority to enforce that right to exist on behalf of those animals and the ecosystems they depend on.

A handful of U.S. communities have adopted ordinances that recognize legally enforceable “rights of nature.” Under these ordinances ecosystems are recognized as having fundamental rights to exist, giving them standing before the law. Citizens of those communities have the legal right to enforce the rights of those ecosystems to exist through appropriate legal action. For example, residents of Packer Township in Pennsylvania are recognized as having legal standing to defend the rights of ecosystems from pollution by the dumping of sludge. Any damages awarded under such a lawsuit would go directly to the ecosystem itself.

(Though our city and county oak tree ordinances don’t mention specific rights of nature, they do seem to imply there is a fundamental right of oak trees to exist and to have their habitat protected from harmful degradation, such as paving or trenching.)

In 2008, Ecuador became the first country to base its system of environmental protection on the rights of nature itself, rather than on a view of natural systems as a form of property, when it adopted a constitution that gave its citizens standing to sue in court to protect marine iguanas and other animals and the ecosystems they depend on.

Earlier this year, an international conference in Bolivia produced a Universal Declaration of the Rights of Mother Earth, which states the earth has “inalienable rights. Bolivian officials are talking about taking this declaration to the U.N. General Assembly for possible adoption.

## WHAT ABOUT THE RIGHTS OF AN ENTIRE SPECIES?

The September 2<sup>nd</sup> issue of *The Acorn* has a long article about one of our local endangered species, the Southern steelhead, a seagoing cousin of the rainbow trout.

Extinction becomes complete when people forget that a species ever existed. Today's Las Virgenes residents have no living memory of the California grizzly bear that graces our state flag, though it was once so common in the Malibu Creek watershed that it kept cattle ranching out of Malibu Canyon until the 1870s.

The Southern steelhead, one of the world's great game fish, once spawned in Malibu Creek and some of its inland tributaries. It's said that people in Lobo Canyon once took them out of the creek with pitchforks. But when the 90'-high Rindge Dam was built in Malibu Canyon in the early 1920s, it effectively blocked all steelhead spawning in the 200-square-mile watershed above the dam. Malibu Canyon now belongs to the State of California, and the dam serves no useful purpose, but its removal—which would allow steelhead to spawn in Las Virgenes Creek all the way up to the 101 freeway—would be costly.

Steelhead continued to spawn in a few coastal canyons in Malibu until Pacific Coast Highway was widened in the 1940s. A few still find their way into Topanga Canyon and one or two other coastal streams from time to time, but the great spawning runs of hundreds of fish ranging up 27 inches in length and up to 13 pounds in weight are a thing of the past.

The Southern steelhead has been driven to the verge of extinction because, like salmon, it can only reproduce in fresh-water streams. Man-made dams, concrete channels and pollution have blocked their access to most streams in southern California, threatening the survival of the species.

A few years ago the National Park Service acquired Solstice Creek, a year-round stream in Malibu that supported a steelhead run until the 1940s. Dams and other barriers to fish migration have since been removed from the creek. The *Acorn* article mentions plans by the Park Service, Fish and Game and the National Marine Fisheries Service to build a boulder-strewn fish ladder to permit spawning steelhead to swim up into to the creek from the beach. When this fish ladder is completed, there should be at least one stream in the area where steelhead would still be able to spawn.

## **FOR QUIETER MOTORCYCLES**

The motorcycle-tampering bill (SB 435) authored by State Senator Fran Pavley is now on the governor's desk. The bill aims to increase enforcement of current anti-tampering and noise-level statutes for motorcycles. It gives the CHP and Sheriff's deputies an effective mechanism to enforce current law, which requires motorcycles to bear an EPA label that states the motorcycle's emissions equipment is in compliance with federal noise standards.

The Federation voted to support this bill. To e-mail the governor and urge him to sign it, go to <http://gov.ca.gov/interact>

## WHAT WILL BECOME OF OUR STATE PARKS?

Last July a Westlake Village resident sent an email to Ron Schafer, Superintendent of the Angeles District of the California Department of Parks and Recreation, describing a recent visit to Malibu Creek State Park,

“... on a hike in Malibu Creek State Park, some friends and I were appalled by the unbelievable amount of garbage that covered the Rock Pool area. There were numerous people smoking and drinking. They seemed unconcerned about the dangers of smoking in the park and the trash surrounding them.

“I know there are severe cutbacks in the park budget, but this is a serious situation. Rangers need to patrol this area even after hours, as this is when the parties begin. It was so upsetting that I’m not inclined to return to what was always one of my favorite places to sit and contemplate the beauty of it all ... without proper care I feel despair for this park’s future ...”

Conditions such as that described above are what caused the Corral Canyon fire. Because of state budget cuts, staffing and operations budgets for our state parks have been cut back drastically. This has put us, our property, park users and park resources at risk from brush fires, wild parties, illegal shooting, vandalism and illegal marijuana plantings.

### ENTER PROPOSITION 21

With the legislature unwilling or unable to address the budget shortfall and our state parks deteriorating, the State Park Foundation has been able to qualify Proposition 21 for the November ballot. It would levy an \$18 annual surcharge on every passenger vehicle registered in the state (trucks, trailers and mobile homes would be exempt). In return, vehicles on which the surcharge has been paid and everyone riding in them would have free day-use admission to every California state park in the system for that year. (Out-of-state vehicles would continue to pay the park entrance fee.)

The \$18 surcharge would go into a trust fund that could be spent only to patrol and maintain state parks and wildlife preserves. Revenues from the trust fund are expected to be about \$500 million a year, 76 percent of which would be earmarked for state park maintenance and operations; an additional \$30 million or so would go to state conservancies, including the Santa Monica Mountains Conservancy.

With the revenue from the \$18 surcharge in hand, state parks would no longer need the reduced annual appropriation they now receive, and that money, about \$130 million, would help fund schools, fire protection, public safety and other pressing public needs. All this for an annual surcharge on our vehicle registration that doesn’t amount to much more than the one-time cost of admission to a state park.

In spite of the current recession, polls show Proposition 21 ahead in the polls with wide ranging endorsements from the Sierra Club, the Audubon Society, the Valley Industry

and Commerce Association, the Save the Redwoods League, Defenders of Wildlife, the Surfrider Foundation, the Valley Industry and Commerce Association, the Trust for Public Land, the California State Lifeguard Association and literally hundreds of other environmental, community, and business organizations.

Prop 21 is on our agenda for discussion and potential action on Thursday.

## **CLARIFICATION**

In last month's Federation article that referred to a major developer who wants to annex his land to Calabasas, the City Council did not vote 3-2 to have staff continue to study the matter and report back, they simply instructed staff to do so.

## **DEAL TO CLEAN UP SANTA SUSANA FIELD LAB**

As we have pointed out previously, most Las Virgenes residents are blissfully unaware of the existence of the Santa Susana Field Laboratory, better known as the Rocketdyne test site, located five or six miles northeast of Malibu Canyon, Saratoga Hills and Old Agoura. During the Cold War it was used by Rocketdyne as its main site for testing Saturn rockets and as a nuclear testing facility. It was also the site of what many consider the worst nuclear accident in U.S. history: the near-meltdown of a sodium reactor in 1959.

State and federal agencies have been slow to react to the need to clean up the former Rocketdyne site. Our former state senator, Sheila Kuehl, joined by our current assemblymember, Julia Brownley, finally got the ball rolling a few years back with the passage of SB 990, which requires the site to be cleaned up to the most protective rural residential standard, even though homes will never be built there.

The September 9<sup>th</sup> *Acorn* carried a story announcing that the California Department of Toxic Substances Control had reached agreement with two of the three entities that had operated the Santa Susana Field Lab—NASA and the Department of Energy—and that they would clean up their portion of the Santa Susana test site to the standards required by SB 990.

However, Boeing, which is heir to Rocketdyne and controls about 75 percent of the Field Lab's 2,850 acres has refused to agree to their share of the clean-up and has filed suit challenging the constitutionality of SB 990. Residents of the northwest San Fernando Valley have circulated petitions asking Boeing to drop the suit.

Meanwhile, the Environmental Protection Agency is planning to lend its expertise to monitoring areas of radiological contamination on the site. The plan is to complete the clean-up by 2017.

# **SANTA MONICA MOUNTAINS COMMUNITY WILDFIRE PROTECTION PLAN (CWPP) AVAILABLE ON LINE**

The public draft of the SMMCWPP is available to download at [www.forevergreenforestry.com/smmcwpp\\_pub.html](http://www.forevergreenforestry.com/smmcwpp_pub.html)

Deputy Forester J. Lopez of the Fire Plan Unit of the Forestry Division of the Los Angeles County Fire Department will be at Thursday night's Federation meeting to explain the SMMCWPP and answer questions about it. The SMMCWPP public draft points out that the incidence of wildfires in the Santa Monica Mountains has been increasing as more and more people move into the "urban-wildland interface." The SMMCWPP attempts, among other things, to prepare and empower residents to cope with this threat.

The SMMCWPP not only talks about protecting existing homes from wildfire, it also addresses wildfires that originate from human activities and infrastructure (vehicles, power tools, electric lines, etc.) and spread quickly into both developed and natural areas, especially in strong winds.

"While it is difficult or impossible to control a wildfire during extreme fire weather, it is certainly possible to reduce the chance of starting one. Fire prevention activities are more cost-effective than fire suppression," the document reads. "Wildfires will continue to shape the landscape of the Santa Monica Mountains and likely become more frequent and costly in terms of property and natural resource losses until humans can be more careful and adopt fire-safe practices that will improve the chances of structures surviving a passing fire ... The ideal situation would be one where all structures can withstand a wildfire – i.e. hardened homes and effective defensible space – and all people living there could safely evacuate when necessary."

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## **On Friday, September 24<sup>th</sup>, on the agenda for the Calabasas Architectural Review Panel**

-A Site Plan Review for a proposed 26,247 square-foot single-family residence which includes a 10,265 basement/garage, a solar panel array and appurtenant accessory structures located at 23594 Parksouth Street (across the street from Viewpoint on Mulholland Highway), within the Residential, Single-Family (RS) and Open Space (OS) zoning districts.

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